

UNITED STATES DISTRICT COURT

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for

Oct 18, 2019

Eastern District of Washington

SEAN F. McAVOY, CLERK

U.S.A. vs. Alfaro, Steven Ivan Docket No. 0980 1:18CR02070-SAB-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Jose Zepeda, SUPERVISORY PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Steven Ivan Alfaro, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the Court at Yakima, Washington, on the 5th day of April 2019, under the following conditions:

Standard Condition #9: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Special Condition #1: Defendant shall participate in a program of GPS confinement. Defendant shall wear at all times, a GPS device under the supervision of U.S. Probation. Defendant shall be restricted at all times to his residence except for: attorney visits; court appearances; case-related matters; court-ordered obligations; or other activities as pre-approved by the pretrial office or supervising officer, including but not limited to employment, religious services, medical necessities.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #4: Steven Ivan Alfaro is alleged to have tested positive for marijuana on or before October 7, 2019.

On April 9, 2019, the conditions of pretrial release supervision were reviewed and signed by Mr. Alfaro. He acknowledged an understanding of his conditions, which included standard condition number 9.

On October 7, 2019, Mr. Alfaro reported to Merit Resource Services for a random urinalysis (UA) test. The test returned presumptive positive for marijuana. He was provided with an admission/denial use form to which he denied using marijuana. The specimen was sent to Alere Toxicology Services (Alere) for confirmation. On October 11, 2019, Alere provided results for the specimen submitted by the defendant on October 7, 2019, which returned positive for the presence of marijuana. On October 16, 2019, Mr. Alfaro reported to the probation office and was directed to submit a UA. Prior to submitting the specimen for testing, Mr. Alfaro was confronted regarding his marijuana use as noted above, to which he adamantly denied. Mr. Alfaro then submitted a UA which returned presumptive positive for marijuana. Mr. Alfaro was again confronted regarding marijuana use to which he again denied the use of the substance. The defendant was then presented with the admission/denial of drug use form. He signed the admission of drug use form admitting to have used marijuana on or about October 4, 2019. Mr. Alfaro claimed he was given Vape E-liquid cartridge he later learned was laced with marijuana. Mr. Alfaro further stated he did not realize he used the Vape E-liquid laced with marijuana until after he provided the positive UA on October 7, 2019.

Violation #5: Steven Ivan Alfaro is alleged to have failed to swap out his battery to his location monitoring device as directed on October 15, 2019. As a result, the battery in his device depleted and the system was unable to track his location.

On April 9, 2019, the conditions of pretrial release supervision were reviewed and signed by Mr. Alfaro. He acknowledged an understanding of his conditions, which included special condition number 1. On April 9, 2019, Mr. Alfaro also reviewed and signed the Location Monitoring Program GPS Participant Agreement acknowledging his understanding of the program to include the need to keep the location monitoring device fully charged.

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On October 15, 2019, at approximately 3:20 a.m. the undersigned officer received an alert notice from BI Total Access System indicating Mr. Alfaro did not respond to low battery notifications. This officer called Mr. Alfaro in an attempt to have him change his battery; however, he did not answer his phone. As of 3:45 a.m., Mr. Alfaro's device stopped tracking and the transmitter restarted at 7:36 a.m. after being instructed to insert a charged battery into the device. Mr. Alfaro was instructed to report to the probation office so his device could be inspected. Mr. Alfaro stated he wanted to attend a funeral dressing service this same morning and agreed to report to the probation office early that afternoon after the dressing service. At 5 p.m. this officer called Mr. Alfaro and informed him this officer was still expecting him to report to the probation office to inspect his transmitter. He stated he did not have a ride to Yakima and would not be reporting this date. Mr. Alfaro was directed to report to the probation office the following morning on October 16, 2019, by 8:30 a.m. Mr. Alfaro again failed to report as instructed.

PRAYING THAT THE COURT WILL INCORPORATE THE VIOLATIONS CONTAINED IN THIS PETITION
WITH THE OTHER VIOLATIONS PENDING BEFORE THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.

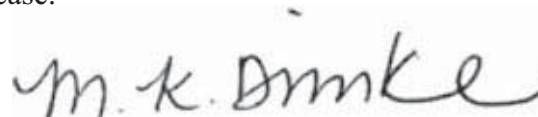

Executed on: October 18, 2019

by s/Jose Zepeda

Jose Zepeda
Supervisory U.S. Pretrial Services
Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

Signature of Judicial Officer

10/18/2019

Date